



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on December 16, 2008

Date of Meeting: September 23, 2008

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:36 p.m., on Tuesday, September 23, 2008, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero
Rodney Glassman
Karin Uhlich
Shirley C. Scott
Steve Leal
Nina J. Trasoff
Robert E. Walkup

Council Member Ward 1
Council Member Ward 2
Vice Mayor, Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Mike Hein
Michael Rankin
Deborah Rainone
Mike Letcher

City Manager
City Attorney
Chief Deputy City Clerk
Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Michael E. Spotted Wolf, from the Tucson Indian Center, after which the Pledge of Allegiance was led by Brownie Troop 924.

Presentations:

- a. Mayor Walkup proclaimed October 3, to be “National AFV Odyssey and Clean Cities Day”. Colleen Crowninshield accepted the proclamation.
- b. Mayor Walkup proclaimed September 22 to September 28, to be “American Indian Awareness Days”. Jacob Bernal accepted the proclamation.

Deborah Rainone, Chief Deputy City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 497, dated September 23, 2008, was received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Romero announced there would be a Foreclosure Workshop sponsored by the City of Tucson and Pima County on September 27, 2008, and this workshop would take place at the Desert Vista Campus of Pima Community College.
- b. Council Member Glassman announced Ward 2 was accepting nominations for the Neighbor Appreciation Awards which would be distributed in December during Ward 2’s holiday party.

Council Member Glassman also said on September 27, 2008, there would be a celebration for the Palo Verde Dog Park expansion. This would take place at 300 South Mann Avenue with the Humane Society attending.

Council Member Glassman also thanked his colleagues who helped with the ceremony honoring former Council Member Carol West and the naming of the Carol West Senior Addition at Udall Park.

- c. Vice Mayor Uhlich announced on September 25, 2008, there would be a business mixer for the Oracle Area Revitalization Area at College Place.

Vice Mayor Uhlich also thanked and congratulated the partners and members of her staff responsible for the City's Weed and Seed application covering the North Tucson area recently submitted to the Department of Justice.

- d. Council Member Leal announced that September 24, 2008, was the one-year anniversary event of the renovation of the Southgate Shopping Center. This would result in an approximately forty million-dollar investment and the creation of potentially five to six hundred jobs. He invited everyone to attend.
- e. Council Member Trasoff pointed out the Tucson Botanical Gardens on 2150 North Alvernon Way was having its 'Butterfly Affaire' major fundraiser event on October 12, 2008, and everyone was encouraged to attend.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 498, dated September 23, 2008, was received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 500, dated September 23, 2008, was received into and made a part of the record. He asked the Chief Deputy City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

Person Transfer(s)

- 1. Buffet Bar, Ward 6
538 E. 9th St.
Applicant: Lisha Louise Smith
Series 6, City 57-08
Action must be taken by: September 27, 2008
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Written Argument Opposed Filed

Deborah Rainone, Chief Deputy City Clerk announced this item was continued from the Mayor and Council meeting of September 16, 2008 and should be considered separately.

2. Villa Hermosa, Ward 2
6300 E. Speedway Blvd.
Applicant: Deborah Lou Engen
Series 6, City 59-08
Action must be taken by: October 5, 2008
Staff has indicated the applicant is in compliance with city requirements.

Person/Location Transfer(s)

3. Wilko, Ward 6
943 E. University Blvd., #171
Applicant: Peter Thomas Wilke
Series 7, City 58-08
Action must be taken by: October 4, 2008
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event(s)

1. Roadrunner Civitan Club, Ward 5
4823 S. 6th Ave.
Applicant: Brandon D. Blair
City T66-08
Date of Event: October 11, 2008 - October 12, 2008
(Raise money to assist people with developmental disabilities)
Staff has indicated the applicant is in compliance with city requirements.
2. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Alison Lynn Sylvester
City T67-08
Date of Event: October 10, 2008 - October 11, 2008
(Exhibition Opening Reception & Dinner)
Staff has indicated the applicant is in compliance with city requirements.
3. Arizona Historical Society, Ward 6
949 E. 2nd St.
Applicant: Joseph R. Alvarez
City T68-08
Date of Event: October 9, 2008
(Docent Council Fundraiser)
Staff has indicated the applicant is in compliance with city requirements.

4. Tucson Celtic Festival Association, Ward 3
4502 N. First Ave. (Rillito Raceway Park)
Applicant: Sharon Ann Caldwell
City T69-08
Date of Event: October 31, 2008 - November 2, 2008
(A Cultural Festival: Tucson Celtic Festival & Scottish Highland Games)
Staff has indicated the applicant is in compliance with city requirements.
5. St. Ambrose School, Ward 6
300 S. Tucson Blvd.
Applicant: Leslie Ann Crist
City T71-08
Date of Event: October 11, 2008
(Fundraiser)
Staff has indicated the applicant is in compliance with city requirements.
6. St. Joseph Parish Fiesta, Ward 6
215 S. Craycroft Rd.
Applicant: Barbara A. Stewart
City T72-08
Date of Event: October 10, 2008 - October 11, 2008
(Annual fundraiser for Parish)
Staff has indicated the applicant is in compliance with city requirements.
7. Our Mother of Sorrows Roman Catholic Church, Inc., Ward 4
1800 S. Kolb Rd.
Applicant: Eduardo A. Saavedra
City T74-08
Date of Event: October 10, 2008 - October 12, 2008
(Annual Fundraiser)
Staff has indicated the applicant is in compliance with city requirements.
8. St. Cyril of Alexandria Parish, Ward 6
4725 E. Pima St.
Applicant: Sandra L. Forst
City T75-08
Date of Event: October 16, 2008 - October 19, 2008
(Fundraiser for Parish and School)
Staff has indicated the applicant is in compliance with city requirements.
9. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Nancy Roubicek Laney
City T87-08
Date of Event: October 12, 2008
(Fundraising Event - The Butterfly Affaire)
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

NOTE: There are no agent changes scheduled for this meeting.

It was moved by Council Member Glassman, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2, and 5b3 and 5c1 through 5c9 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

Person Transfer(s)

1. Buffet Bar, Ward 6
538 E. 9th St.
Applicant: Lisha Louise Smith
Series 6, City 57-08
Action must be taken by: September 27, 2008
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Written Argument Opposed Filed

Council Member Trasoff said that this item was being continued because the neighbors wanted the time to meet with the new owners before the license was awarded. There had also been some opposition to this item in the form of a written letter and asked if the person who wrote the letter was in the audience. Hearing no one, she asked the representative for the applicant to come forward.

Dan Davis spoke as the lawyer on behalf of the current owners of the Buffet Bar. He wanted to address the issue about the letter that was received. He said that the owners had in fact responded to that letter in writing and that they took the matter raised in the letter very seriously as well as any matters that impacted on the neighborhood. Mr. Davis said that they had met with the neighborhood association and other interested people, received their input, had very good exchanges and he said he thought things were going very smoothly.

Council Member Trasoff thanked Mr. Davis and the new owners of the Buffet Bar. She said this was a positive example of setting a good standard for how to approach issues or questions especially in neighborhoods. Time was taken to listen to what the neighbors' concerns were and she said she understood there was a seven point plan that was worked out cooperatively and that most of those points had already been accomplished. It was this kind of attitude of listening to neighbors and wanting to be part of a neighborhood that was very positive. Council Member Trasoff also thanked the neighborhood association and its members for making the time in their meeting to voice their concerns and find a positive solution. She said she hoped this would be a positive relationship.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0, to pass and adopt the person transfer for Item 5b1 and forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Michael Toney spoke about the City's regulations regarding feeding birds in the parks. He also spoke about loans and outstanding debts regarding Rio Nuevo projects.

(NOTE: Council Member Glassman departed at 6:03 p.m.)

- b. Joe Sweeney spoke about how to stop gangs and organized crime in Tucson's surrounding areas.

(NOTE: Council Member Glassman returned at 6:05 p.m.)

7. CONSENT AGENDA – ITEMS A THROUGH Y

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

A. ASSURANCE AGREEMENT AND FINAL PLAT: (S06-125) RINCON KNOLLS PHASE I (RCP), LOTS 1 TO 226, BLOCKS "A" "B" AND "C" AND COMMON AREAS "A" THROUGH "E" AND "G" THROUGH "I"

1. Report from City Manager SEPT23-08-501 WARD 4
2. Resolution No. 21088 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S06-125 and approving the final plat for the Rincon Knolls Phase I, an RCP Subdivision, Lots 1 through 226, Blocks A, B, and C, and Common Areas "A" through "E" and "G" through "I"; and declaring an emergency.
3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- B. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-072) RINCON KNOLLS PHASE II (RCP), LOTS 227 TO 398, AND COMMON AREAS “A” AND “C” THROUGH “G”
1. Report from City Manager SEPT23-08-502 WARD 4
 2. Resolution No. 21089 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S08-072 and approving the final plat for the Rincon Knolls Phase II, an RCP Subdivision, Lots 227 through 398 and Common Areas “A” and “C” through “G”; and declaring an emergency.
 3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- C. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-073) RINCON KNOLLS PHASE III (RCP), LOTS 399 TO 457 AND COMMON AREAS “A”, “C” THROUGH “E” AND “G”
1. Report from City Manager SEPT23-08-503 WARD 4
 2. Resolution No. 21090 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S08-073 and approving the final plat for the Rincon Knolls Phase III, an RCP Subdivision, Lots 399 through 457 and Common Areas “A”, “C”, “D”, “E” and “G”; and declaring an emergency.
 3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- D. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-074) RINCON KNOLLS PHASE IV (RCP), LOTS 458 TO 502 AND COMMON AREAS “A”, “C” THROUGH “E” AND “G”
1. Report from City Manager SEPT23-08-504 WARD 4
 2. Resolution No. 21091 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S08-074 and approving the final plat for the Rincon Knolls Phase IV, an RCP Subdivision, Lots 458 through 502 and Common Areas “A”, “C”, “D”, “E” and “G”; and declaring an emergency.

3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- E. FINAL PLAT: (S08-024) DOS TIBURONES TOWNHOMES, AN ARIZONA CONDOMINIUM, UNITS 1 TO 34 AND COMMON ELEMENTS “C” THROUGH “S”
1. Report from City Manager SEPT23-08-505 WARD 2
 2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- F. GRANTS: GRANT-IN-AID AGREEMENT WITH THE TOHONO O’ODHAM NATION FOR GAMING DISTRIBUTION GRANT RECIPIENTS
1. Report from City Manager SEPT23-08-506 CITY-WIDE
 2. Resolution No. 21092 relating to finance; approving Grant-in-Aid Funding from the Tohono O’odham Nation for 2008 for certain entities; authorizing the Director of the Department of Finance to enter into Fiscal Agent Agreements between the City of Tucson, the Tohono O’odham Nation and such entities; and declaring an emergency.
- G. BOARDS, COMMITTEES, AND COMMISSIONS: AMENDING THE MEMBERSHIP OF THE PUBLIC, EDUCATION AND GOVERNMENT TELEVISION CHANNEL TASK FORCE
1. Report from City Manager SEPT23-08-509 CITY-WIDE
 2. Resolution No. 21093 relating to Boards and Commissions; amending the Public Education and Government (PEG) Television Channel Task Force’s creating resolution to allow the Mayor and each Council Member to appoint two members each to the Task Force, rather than one; and declaring an emergency.
- H. TUCSON CODE: AMENDING (CHAPTER 2) AUTHORIZING THE CITY MANAGER TO ADMINISTER THE CITY REAL ESTATE PROGRAM
1. Report from City Manager SEPT23-08-508 CITY-WIDE

2. Ordinance No. 10578 relating to Real Estate; amending the Tucson Code, Chapter 2, Administration, Article I, in General by adding a new section 2-16.1, Authority of city manager to administer the City real estate program; Chapter 30, Department of Transportation, Section 30-3, Functional units established under the Department of Transportation, Subsection (a) is amended to delete Real Estate as a functional unit of the Department of Transportation and declaring an emergency.

I. INTERGOVERNMENTAL AGREEMENT: WITH VARIOUS OUTSIDE AGENCIES FOR THE PIMA COUNTY/TUCSON METROPOLITAN COUNTER NARCOTICS ALLIANCE

1. Report from City Manager SEPT23-08-510 CITY-WIDE
2. Resolution No. 21094 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the Tucson Police Department, Pima County Sheriff's Department, Arizona Department of Public Safety, University of Arizona Police Department, Oro Valley Police Department, Marana Police Department, South Tucson Police Department and the Sahuarita Police Department establishing conditions for the successful operation of the Pima County/Tucson Metropolitan Counter Narcotics Alliance (CNA); and declaring an emergency.

J. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE DIRECT CAREGIVER ASSOCIATION FOR THE COMMUNITY ORGANIZER COURSE SCHOLARSHIP

1. Report from City Manager SEPT23-08-512 WARD 1
2. Resolution No. 21095 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from the Ward 1 Council Office Community Support Fund, Account No. 001-183-1898-268, to the Direct Caregiver Association to help support funding the Community Organizer Course scholarship for Ward 1 residents; and declaring an emergency.

This is a request by Council Member Romero. Allocation of funds is as follows: Council Member Romero - \$100.00

K. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR SPONSORSHIP OF THE BUILDING AN INCLUSIVE TUCSON CONFERENCE

1. Report from City Manager SEPT23-08-513 WARD 1

2. Resolution No. 21096 relating to Finance; approving and authorizing the Hundred Fifty Dollars (\$150) from the Ward 1 Council Office Community Support Fund, Account No. 001-183-1898-268, to help support funding the Building an Inclusive Tucson Conference to be held on October 10, 2008; and declaring an emergency.

This is a request by Council Member Romero. Allocation of funds is as follows: Council Member Romero - \$150.00

L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE ELVIRA NEIGHBORHOOD ASSOCIATION FOR A NEIGHBORHOOD CLEANUP

1. Report from City Manager SEPT23-08-514 WARD 1
2. Resolution No. 21097 relating to Finance; approving and authorizing the allocation of Two Hundred Dollars (\$200) from the Ward 1 Council Office Community Support Fund, Account No. 001-183-1898-268, to the Elvira Neighborhood Association to help support funding a neighborhood cleanup scheduled on September 27, 2008; and declaring an emergency.

This is a request by Council Member Romero. Allocation of funds is as follows: Council Member Romero - \$200.00

M. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE REYNOLDS ELEMENTARY SCHOOL PTA FOR THEIR FALL FESTIVAL

1. Report from City Manager SEPT23-08-515 Ward 4
2. Resolution No. 21098 relating to Finance; approving and authorizing the allocation of Two Hundred Dollars (\$200) from the Ward 4 Council Office Community Support Fund, Account No. 001-183-1898-268, to the Reynolds Elementary School PTA to help support funding their Fall Festival to be held on November 1, 2008; and declaring an emergency.

This is a request by Council Member Scott. Allocation of funds is as follows: Council Member Scott - \$200.00

N. APPROVAL OF MINUTES

1. Report from City Manager SEPT23-08-517 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on June 3, 2008.

O. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE MESQUITE RANCH NEIGHBORHOOD ASSOCIATION FOR THEIR ANNUAL BARBECUE

1. Report from City Manager SEPT23-08-516 WARD 4
2. Resolution No. 21099 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from the Ward 4 Council Office Community Support Fund, Account No. 001-183-1898-268, to the Mesquite Ranch Neighborhood to help support funding their annual barbecue to be held on September 13, 2008; and declaring an emergency.

This is a request by Council Member Scott. Allocation of funds is as follows: Council Member Scott - \$100.00

P. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE ARIZONA SONORAN DESERT MUSEUM BUFFELGRASS EDUCATION AND OUTREACH PROGRAM

1. Report from City Manager SEPT23-08-520 MAYOR
2. Resolution No. 21100 relating to Finance; approving and authorizing the allocation of Five Hundred Dollars (\$500) from the Mayor's Office Community Support Fund, Account No. 001-183-1898-268, to the Arizona Sonoran Desert Museum to help support funding their Buffelgrass Education and Outreach Program; and declaring an emergency.

This is a request by Mayor Walkup. Allocation of funds is as follows: Mayor Walkup - \$500.00.

Deborah Rainone, Chief Deputy City Clerk, announced that Council Member Trasoff would be adding an additional \$150.00 making the total \$650.00.

Q. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA AIR NATIONAL GUARD FOR PARTICIPATION IN THE METROPOLITAN MEDICAL RESPONSE SYSTEM

1. Report from City Manager SEPT23-08-507 CITY-WIDE
2. Resolution No. 21102 relating to Emergency Medical Services; authorizing and approving an Intergovernmental Agreement between the Arizona Air National Guard, 162nd Fighter Wing, Mission Support Group ("ANG") and the City of Tucson ("City") regarding certain resources provided by the City to ANG for the benefit and use of the Metropolitan Medical Response System; and declaring an emergency.

R. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE JACKSON EMPLOYMENT CENTER BRIDGES/SUPPORTIVE HOUSING PROGRAM

1. Report from City Manager SEPT23-08-518 CITY-WIDE
2. Resolution No. 21103 relating to community services; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Jackson Employment Center Bridges/Supportive Housing Program for Homeless Men and Women; and declaring an emergency.

S. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO NEST, INC. FOR THEIR CONFERENCE “ADDRESSING THE HEALTH EFFECTS OF CLIMATE CHANGE”

1. Report from City Manager SEPT23-08-522 WARD 2
2. Resolution No. 21104 relating to Finance; approving and authorizing the allocation of Five Hundred Dollars (\$500) from the Ward 2 Council Office Community Support Fund, Account No. 001-183-1898-268, to NEST, Inc. to help support funding their “Addressing the Health Effects of Climate Change” event to be held on November 15, 2008; and declaring an emergency.

This is a request by Council Member Glassman. Allocation of funds is as follows: Council Member Glassman - \$500.00.

Deborah Rainone, Chief Deputy City Clerk, announced that Council Member Trasoff would be adding an additional \$500.00 making the total \$1,000.00.

T. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR COSTS ASSOCIATED WITH THE BUILDING AN INCLUSIVE TUCSON CONFERENCE

1. Report from City Manager SEPT23-08-521 MAYOR
2. Resolution No. 21105 relating to Finance; approving and authorizing the allocation of Two Hundred Fifty Dollars (\$250) from the Mayor’s Office Community Support Fund, Account No. 001-183-1898-268, to help support funding Building an Inclusive Tucson, a conference on disability issues, to be held on October 10, 2008; and declaring an emergency.

This is a request by Mayor Walkup. Allocation of funds is as follows: Mayor Walkup - \$250.00

- U. TUCSON CODE: AMENDING (CHAPTER 11) PROHIBITING THE ACT OF LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE
1. Report from City Manager SEPT23-08-523 CITY-WIDE
 2. Ordinance No. 10580 relating to crimes and offenses; amending Chapter 11, Crimes and Offenses, Article I, in General of the Tucson Code, to prohibit the act of leaving a child under the age of ten unattended in a motor vehicle; setting an effective date; and declaring an emergency.
- V. REAL PROPERTY: SALE OF SURPLUS CITY PROPERTY LOCATED AT 345 E. TOOLE AVENUE
1. Report from City Manager SEPT23-08-524 WARD 6
 2. Ordinance No. 10581 relating to real property; declaring the Macarthur Building located at 345 E. Toole Avenue to be surplus property; authorizing and approving the agreement for the sale thereof to Madden Preprint Media, LLC; and declaring an emergency.
- W. REAL PROPERTY: APPROVING A PARKING LEASE AGREEMENT WITH MADDEN PREPRINT MEDIA, LLC FOR PROPERTY LOCATED AT 6TH AVENUE AND PENNINGTON AND THE PENNINGTON STREET GARAGE
1. Report from City Manager SEPT23-08-526 WARD 6
 2. Ordinance No. 10582 relating to real property; authorizing and approving the Parking Lease Agreement between the City of Tucson and Madden Preprint Media, LLC, for the properties located at the northeast corner of 6th Avenue and Pennington Street and the Pennington Street Garage; and declaring an emergency.
- X. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH PIMA PREVENTION PARTNERSHIP FOR SPACE LOCATED AT 1475 NORTH ORACLE ROAD AND REPEALING ORDINANCE 10499
1. Report from City Manager SEPT23-08-525 WARD 6
 2. Ordinance No. 10583 relating to Real Property; terminating the Lease Agreement between the City of Tucson and the Partnership, for the property located at 345 E. Toole Avenue and repealing Ordinance 10499; authorizing and approving the Lease Agreement between the City of Tucson and the Partnership, for the property located at 1475 N. Oracle Road; and declaring an emergency.

Y. REAL PROPERTY: AMENDMENT OF THE DEPOT PLAZA DEVELOPMENT AGREEMENT WITH DEPOT PLAZA INVESTORS, LLC AND THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT

1. Report from City Manager SEPT23-08-511 WARD 6
2. Resolution No. 21106 relating to development; approving an Amended and Restated Development Agreement with Depot Plaza Investors, LLC (DPI) and the Rio Nuevo Multipurpose Facilities District for the development of the Depot Plaza Project; and declaring an emergency.

It was moved by Vice Mayor Uhlich, duly seconded, that Consent Agenda Items A through Y, as amended, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Consent Agenda Items A through Y, as amended, were declared passed and adopted by a roll call vote of 7 to 0.

8. PUBLIC HEARING: ON THE ALLEN HALL FEDERAL SURPLUS PROPERTY REUSE PLAN

Mayor Walkup announced City Manager's communication number 519, dated September 23, 2008, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the Allen Hall Federal Surplus Property Reuse Plan. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Deborah Rainone, Chief Deputy City Clerk, announced there would be a presentation and Power Point from staff prior to the public hearing.

Mayor Walkup said they would have a presentation and then commence with the Public Hearing.

Emily Nottingham, Community Services Department Director, said the City had been charged with developing a plan for the redevelopment of the Allen Hall Army Reserve Center under the Base Realignment and Closure Act (BRAC). This plan would be submitted to the Federal Government for their review and approval. Following the federal regulations, there had been a year long planning process that had been undertaken to include considerable public outreach. Mr. Corky Poster, along with Community Services Department staff had conducted that outreach. Mr. Poster would give a brief power point presentation about the process and plan. Once the public hearing was concluded, the plan would be submitted to the Federal Government once approved.

Corky Poster said he was an architect and planner with Poster Frost Associates. He said the project under consideration was the Allen Hall, 1750 E. Silverlake, BRAC enclosure, which was part of the Department of Defense and their Office of Economic Adjustment Project and they worked in conjunction with the Community Services Department staff.

Mr. Poster said the project scope was lengthy. It took almost a year to do it. They went through a list of processes which in essence consisted of a request for notice of interest. They gathered community input, did an analysis of the existing facilities, developed alternative plans, and finally a proposed plan. They had great work by a variety of residents on the Citizens Advisory Committee. They were diligent and worked every month and put in a huge amount of time and effort. He personally thanked them for the great work that they did.

Mr. Poster went through the presentation explaining the public process. On the Flow Chart of Tasks, Mr. Poster pointed out the elaborate public process in the center and on the left all the advisory committees with the right showing all input from all the technical information. It was a detailed process that brought a great deal of information and which may have set a record for public meetings. Today was the twenty-seventh meeting on this topic since February 2008.

On the neighborhood map, Mr. Poster pointed out where the site was located. It was in the South Park Neighborhood adjacent to Pueblo Gardens at Silverlake just east of Kino Boulevard. It sat south on the south side of Silverlake Road just east of the Quincy Douglas Park. The site was a Zone R-2 but the current army facility at this site was not subject to City zoning. The recommended plan would ultimately require a rezoning from R-2 to C-2. On the Land Use map, Mr. Poster showed the adjacent National Guard of Arizona to the east which was not leaving their site, and to the west was the Casa de Kino single family housing development.

Mr. Poster said the current use for Allen Hall was as a U.S. Army military training center. The army was intending to relocate in 2011. The property size was three and a half acres with substantial building improvements for a total of thirty-four thousand square feet consisting of a two-story office building in front and subsequent additions to the rear of the site.

Mr. Poster said that to get a sense of the process involved, there was a public notice of interest that received five applications. They then developed existing condition analysis and a criteria development. From those, with the help of the Citizens Advisory Committee, they developed three alternative plans which included all five of the submitters who were combined into teams. From this, the Mayor and Council Subcommittee on Economic and Workforce Development indicated preferred alternatives and they had now been working for the past four and a half months elaborating that and making sure it met any concerns that the neighborhood had talked about.

Mr. Poster said the three alternative plans involved the Parks and Recreation Department with Community Organization for Personal Enrichment (COPE), Community Services Department and RISE, Inc., Tucson Planning Council for the Homeless (TPCH) with Pima Community College and the Emergency Management Division of the City with Pima Community College. There was an elaborate criteria assessment based on Department of Defense criteria, the Department of Housing and Urban Development criteria which had homeless requirements in these projects as well as the criteria developed by the Citizens Advisory Committee. They took, ranked, and studied each of these alternatives. From that they developed a preferred alternative of the Parks and Recreation Department with COPE and RISE, Inc. Mr. Poster showed the first site plan they had for that.

Mr. Poster said they worked very closely with neighborhoods. The Citizens Advisory Committee raised many issues. The public and neighborhood meetings brought additional concerns. They worked very hard over the last four and a half months to address those issues and Mr. Poster said he felt they had successfully done that. A public meeting was held on the final plan being presented at today's Mayor and Council meeting and was well received.

Mr. Poster explained the next pictures shown were of the proposed final plan in context. It was color-coded. Parks and Recreation use was in green, public use was in red, blue reflected additional maintenance, the ochre color showed new construction on the site with purple showing the part of the site to be used by COPE and RISE, Inc. in their job training recycling program.

Mr. Poster pointed out the final pictures shown were of improvements that would be made to the southwest corner of the property. This area would receive more screening particularly for the residential area to the west with a masonry wall and lots of trees and vegetation. By way of cost, Mr. Poster said the property, which was proposed to be transferred to the Department of Defense, had a value of about five million dollars. This was not an appraisal but a market assessment in terms of square foot cost. The capital cost of the plan that he just showed had improvements to the existing facilities to a value of about 1.5 million dollars. This included electrical, mechanical, some minor structural improvements, and a substantial number of site improvements as well as a variety of accessible improvements such as elevators and fire stairs that needed to be put in the building. The plan also proposed new construction of almost seventeen thousand square feet that had a value of about 1.5 million dollars for a total of capital improvements of

about three million dollars. The monthly utilities, operating costs at build-out was estimated to be about five thousand five hundred dollars per month. The cost in Mr. Poster's analysis for these capital improvements would be part of some future bond program through the Parks and Recreation program. Mr. Poster said what was important about the change of these facilities from the Reid Park Parks and Recreation to this site was that it opened up about three to one square footage at Reid Park for every one square footage that was already at that location. There was not just a value to the use of the site but there was substantial value to the community about the property being vacated at Reid Park. There was an important set of programmatic issues in relation to this.

In the last image shown, Mr. Poster presented a rendering of what the site was intended to look like. The 'L' shape was the light maintenance facility with the Parks and Recreation Department and this was heavily screened from the neighborhood with wall and fencing. The maintenance facility had turned its back to the neighborhood and effectively screened any concerns of any issues relating to that particular use. The building in front of that would be used by Parks and Recreation not only for administrative facilities but also for a substantial programmatic use for classes, children and adult programs. It was truly a multi use facility. Ultimately with the input from everyone involved, it had evolved to be an important and a very positive program for the area.

Mr. Poster said he would answer any questions. He said there were folks from COPE and RISE, Inc. as well as Fred Gray, Parks and Recreation Department Director, at this meeting.

Mayor Walkup asked if there was anyone in the audience who wished to speak on this issue. Hearing none, he asked for a motion.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked if there was any discussion.

Council Member Trasoff said she had a few questions regarding the rezoning of this site to a C-2 which she thought gave opportunities in the future for height and more intensive use than what was currently there now. She asked if there would be any restrictions put on this so that a C-2 would have to be imposed for the use that was anticipated and if there was any way to do a deed restriction or if this was discussed to protect the neighborhood if the City ever moved out.

Mr. Poster replied that the intent would be to rezone for this use. It was the use issue that they had, not the density of the site. No changes were intended to be made. He said he thought that as Mayor and Council, they were empowered to put conditions and restrictions on that rezoning which could affect future height. This was up to the Mayor and Council and was a separate process.

Council Member Leal said that in the meeting with the neighborhood, this was one of the issues raised. The goal was to have that balance between what was possible without setting themselves up for the future with a problem.

Council Member Trasoff asked who would pay the cost for improvements outlined which would be done for the Parks and Recreation Department and COPE. She asked for clarification whether the City paid for Parks and Recreation and COPE would raise its funds for its improvements.

Mr. Poster said the improvements to the COPE facilities were minor. They were essentially using the existing garage which would bring in roll offs. There were minor improvements. Ninety-five percent of the costs indicated were costs associated with Parks and Recreation and those buildings. They had not gotten to the point of discussing whether that five percent would be covered by the City as the owner of the property and then rented to COPE/RISE for an agreed upon price.

Council Member Trasoff asked for clarification regarding the O & M (operation and maintenance) of five thousand five hundred dollars per month. She wanted to know if the City would be leasing or renting City space since the City would own the property leased to COPE and that could cover the City's construction or modifications. She also inquired whether they participated in the monthly O & M.

Mr. Poster said based on the uses in the site, the COPE/RISE, Inc. facilities would be a kind of light industrial use. Given the mix of square footage, he said he thought about a ninety-five to five percent ratio of operating costs was involved.

Emily Nottingham, Community Services Department Director, clarified that there was a lease agreement that was included in the plan and the basic concept was that COPE would be responsible for their cost and the City would be responsible for their cost.

Council Member Trasoff said that was perfect and what was fair to everyone involved. She said she was delighted to think of COPE being down there and that it was a great place for them. It still allowed them to do their recycling with their strength in the downtown area. The recycling would be continued which was so important. The move off of Toole Avenue area would give the City more freedom for work on the warehouse arts approach. She said she thought it was a good partnership and was pleased to see this.

Council Member Trasoff asked about the wall and the area to the east of the wall.

Mr. Poster said the wall separated this property from the residential property on the west. On the east there was currently a wall there now and that was the military area which would be staying there.

Mayor Walkup asked the City Clerk to read Resolution 21101 by number and title only.

Resolution No. 21101 relating to real estate; authorizing and approving the adoption of the Allen Hall Federal Surplus Property Reuse Plan under the Base Realignment and Closure Act (BRAC); directing staff to submit the plan to the federal government; and declaring an emergency.

Council Member Leal said this had been a long journey and City staff was very helpful the whole way. The four neighborhoods involved were South Park, Las Vistas, Pueblo Gardens, and Western Hills. The Urban League and many area groups were diligent and concerned about figuring out how to maximize resources and how to turn it into a win-win given that the City had a deficit of parks and recreation space all over. It should also be figured out how to do some environment work with regard to recycling and job training around sustainable environmental activities which RISE, Inc. brought. Surprisingly enough, he said he thought all those things happened with the way this had been configured. The ability to move Parks and Recreation Department headquarters and maintenance from Reid Park to this site helped Reid Park. There was also a strong possibility and interest in moving the maintenance from Santa Rita Park to this site as well so that Santa Rita Park could have more activities for family work. Council Member Leal said that usually when so many needs were put on the table, it was hard for everything to be worked out and satisfied. He said they were close and got an extension of time to play it out further and everybody came through. Everyone had a lot to be proud of and he said he thought this would be a really good thing for everyone involved.

It was moved by Council Member Leal, duly seconded, to pass and adopt Resolution 21101.

Council Member Scott thanked Emily Nottingham for her contributions and tenure of service as Community Services Department Director as this was the last time she would address the Mayor and Council before retiring.

Ms. Nottingham said it had been her pleasure working for the City for thirty years. One of the reasons it had been her pleasure was because of the leadership and support of Mayor and Council, not only for its staff but also for the people served and projects undertaken. She thanked everyone.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Resolution 21101 was declared passed and adopted by a roll call vote of 7 to 0.

9. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 6) THE INTERNATIONAL RESIDENTIAL CODE, GRAYWATER ORDINANCE

Mayor Walkup announced City Manager's communication number 527, dated September 23, 2008, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed Ordinance which calls for waste plumbing to be installed in new houses for the ease of connecting a graywater system at a later date. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup announced there were an abundance of speaker cards that could be heard in the hour allowed. He suggested speakers to limit their presentations if they agreed or disagreed with the previous speakers. Mayor Walkup called on the first speaker.

Dr. Barbara Warren said she was a member of Physicians for Social Responsibility, Sustainable Tucson, Health Action Committee and the Sierra Club. She said she was also the coordinator for the Conference on the Health Effects of Climate Change. Dr. Warren thanked Council Member Glassman and Council Member Trasoff for their generous contributions and endorsements to this conference. She invited everyone to participate and get actively involved in the dialogue about these concerns. She also thanked Mayor Walkup for his endorsement as well.

Dr. Warren said climate change was of great concern to everyone for many reasons related to health and human welfare on this planet. She said obviously one of the greatest impacts of climate change in the southwest was the ongoing drought and rapidly decreasing water supply in this area. Water was critical to the survival of humans and the viability of the community as well as the viability of the development community. There were many appropriate measures which could be taken and which should begin immediately to turn back the serious impacts of global warming on the planet. Managing the scarce water resources was one of the most critical of these measures. Every citizen must take responsibility. This meant finding as many ways as possible to conserve water in people's daily lives whether it was for farming in industrial use or for personal use in every household.

Dr. Warren noted that in an article in the September 23, 2008, Arizona Daily Star, Tucson had lost some of its good reputation in the nation for being one of the top six sustainable communities. The reason for the loss of standing was because Tucson was not doing enough about protecting its water supply. She said Mayor and Council had before them tonight a brilliant opportunity to begin the process for helping every new household in the Tucson community to work on water conservation through plumbing on all new houses for graywater collection. She asked Mayor and Council for their votes to support this fundamental effort. Moreover, for those people whose houses were already built, they needed help to retrofit their homes for rainwater and graywater collection without incurring enormous expenses. The community needed the help of the Mayor and

Council with education, outreach and assistance to offer every household the affordable opportunity to participate in innovative approaches to water conservation in the Tucson community.

Dr. Warren thanked Mayor and Council for their efforts and said the community looked forward to seeing more initiatives in many areas on sustainability for Tucson.

Corky Poster, an architect and planner with Poster Frost Associates said that this issue was something near and dear to his heart. He said that in his career in the development of affordable housing, where he had done more than three thousand units, the issue of graywater and graywater plumbing was really important. This was a way to substantially save water. This graywater was being thrown away and turned into black water, run through sewage treatment plants and treated as black water. It made no sense to do that. In addition to the consumption of water, energy and community resources were being wasted cleaning water that did not need to be cleaned. There was now a lull in construction. It was a perfect time for the construction industry to retool, to consider changes important to the environment, and to get ready for when housing booms again to be able to do it in a much more progressive, much more water conservative and sustainable way. Mr. Poster said he strongly urged Mayor and Council to pass this measure. It was a small but very important step to signal the City's commitment to sustainability. He thanked Council Member Glassman for his unflagging support and leadership on this issue. He thanked Mayor and Council for hearing him again.

Jay Tripp said he was a representative for the Plumbers & Steamfitters Local 469, the statewide plumbers union. He said he was thrilled about this ordinance. He said it was a pleasure to participate in this and thanked Council Member Glassman for bringing it up. He said they should do a lot more projects together and that City staff was excellent. Every stakeholder imaginable participated in this group from one end to the other. People were in and out for the duration of it and he said he thought it lent it the credibility and reliability of a whole bunch of views that came from different angles. Mr. Tripp said he did not think they could have reached this point without all the views at the table at the same time. He also thanked Ernie Duarte, Development Services Department Director, and said the City's Development Services Department and Building Safety Division got beaten up a lot. The Department led them through this process and brought all the information asked for. All the players came to the table to discuss this including the Arizona Department of Environmental Quality (ADEQ) and Tucson Water. Mr. Tripp said he felt they reached a real good conclusion to this whole process and that his organization was proud to support this ordinance. He said he hoped Mayor and Council could support this and considered it the first step in more water conservation for Tucson.

Ken Cawthorne said he was a registered professional and mechanical engineer and certified plumbing designer for about twenty years. He said he was opposed to this ordinance. His main concern with this ordinance was separating the toilet from all the graywater so that the toilet would be piped separately. Depending on the type of toilet, size of the pipes and slope, solids of fifteen to twenty feet may only be carried down the

pipe. If those solids separated out from the pipe, there could not only be nuisance clogs but potential health hazards with those solids staying in the pipe. He said he tried to figure out ways to mandate certain types of toilets, certain slopes, pipe sizes, and things like that. There were toilet designs that could carry solids up to eighty feet or more depending on the slope, type of pipe, and the type of toilet. If one did not have these, there would be nuisance clogs and potential problems in the plumbing systems. For that reason, he personally would not want to invest in a house that could have those problems because he would not know how it was installed and what type of toilet was there. If that type of system was put in, it counted on the use of graywater or water from the sinks, showers, tubs, washers to help scour that pipe and get those solids back to the sewer system. As far as that water going to waste, he said he thought Tucson Water and Pima County Wastewater already had a reclaimed water system that was being used quite well for all the major uses as far as Parks and Recreation, golf courses and schools for their landscaping. Mr. Cawthorne said his main concern was that graywater was counted on to scour that piping clean and keep the sewer systems clean. He said his other concern was people not understanding the cost and maintenance involved of actually putting in the graywater. It might be piped but then a pump, tank and pipe connected to landscaping had to be installed. That cost would be excessive and the maintenance would be up to the resident. If it was not maintained properly it could create a health problem with regard to the graywater going septic and other issues like that. He said basically, those were his concerns along with the cleaning of the soil lines.

Jay Casey said he was the training director for the Arizona Pipe Trade's Apprenticeship Program and was also a member of the Plumbing and Mechanical Code Committee. He said if this proposal was passed, and the plumbing was installed properly, there should not be any problems. This idea being proposed had been used in several cities around the Country and had been working, so it should not have a problem in Tucson as long as it was done properly.

M. Blue Baldwin said she agreed with everyone who had gone before her who had been in favor of this measure. She had a system in her house that was not extremely exorbitant in terms of cost. Maintenance was easy once it was established. When installed properly there were no clogging or plumbing problems. She said the only thing she could think of that would worry her would be a public health threat. Although if installed and maintained properly, that would not be an issue either. As long as there was no standing water, there would be no insect infestation or anything that would potentially cause disease. Ms. Baldwin said it was extremely important that people did everything they could to facilitate and cultivate conservation measures in the desert. This was a great first step toward doing that.

Ryan Anderson thanked some of the council members for being very active in this issue. He said he represented an environmental student activist group, Sol Arizona, from kindergarten to twelfth grade at Greenfields Country Day School. Thirty-four of the students prepared and signed a petition which Mr. Anderson read out loud and presented to Mayor and Council. He quoted "Students in support of graywater stub out requirements, we the undersigned support graywater stub out requirements in new home

construction in the Tucson Valley. We support this initiative as responsible environment stewards and formed by the unique and fragile desert watershed we all inhabit. While responsible watershed management and conservation is a key principle, we also believe responsible graywater incorporation provides habitat for beneficial and beautiful desert flora and fauna. Thank you for your work." Mr. Anderson said this petition was from grades five through twelve.

Val Little said she represented Water CASA (Conservation Alliance of Southern Arizona). On behalf of Water CASA, she commended the leadership of Council Member Glassman as well as the yeoman efforts of the various City staffers that had worked so hard on this, particularly Ernie Duarte, Development Services Department Director, Katie Bolger, Administrative Assistant from the Ward 2 office, Chris Avery, Acting Deputy Director of Tucson Water, and many others. She also commended the great stakeholder group that came together to make this ordinance happen.

Ms. Little said it was known that graywater was legal in Arizona and there was a tax credit in place to incentivize its use, largely due to Water CASA's efforts over the past decade. The ordinance that would be voted on today was a natural progression in those efforts which moved the whole community in this region to increased sustainability. In the future, it was hoped to see Water CASA and the City of Tucson working jointly to develop additional comprehensive, cost effective, conservation efforts that would have additional long term benefits to the entire region. Ms. Little urged a "yes" vote and thanked all for a job well done.

James MacAdam stated he was a member of Sustainable Tucson and an employee of a non-profit watershed management group but that he was speaking on behalf of himself. He said he supported the ordinance and was grateful for its development. In addressing a few common con arguments, Mr. MacAdam said the cost was cited as being prohibitive. He argued that water was dramatically under valued as it stood right now, would not continue to be valued at its current level, and also that it was not a commodity like oil or gold; it was necessary for life.

Mr. MacAdam said that what was not taken into those cost estimates was the ballooning costs of infrastructure and maintenance of that infrastructure as evidenced by the shocking price tag of the potential wastewater treatment plant to replace the Romero Road plant. He said that certainly using graywater was less expensive than treating it, like treating salt water in California with a nuclear facility.

Mr. MacAdam said an additional point that had not been addressed was that of food security. As transportation and energy costs increased, more and more Tucsonans were already growing their own food and should be able to do so. The City needed to be preparing for the increased use of water which would come with that. Graywater was a locally available, safe, and permitted use for certain food plants.

Mr. MacAdam addressed a couple of technical measures. He said he was not a plumber but found both pro and con arguments in this morning's Arizona Daily Star that everyone seemed to think that to put in a graywater system, a pump and tank were needed. He said he had installed legal graywater systems in Tucson that were gravity fed and did not require any of that. It would be hundreds of dollars rather than the five thousand quoted this morning. One final technical argument was the inconvenience of putting a diverter valve outside to shift the graywater back and forth when it went to the sewer. He could not find the technical language in the ordinance but he said he hoped the diverter valves would be placed inside the building where people could use them.

Lisa Shipek, stated she represented Watershed Management Group, a non-profit based in Tucson. Their efforts had been focused primarily on teaching Tucson residents how to implement water-harvesting practices through hands on workshops. They had done over fifty workshops in the last two years. Several of the workshops had been at City council offices for which she thanked Mayor and Council.

Ms. Shipek said they had tremendous interest in water harvesting, specifically graywater. People were interested in learning more about it and implementing it in their homes. They had interest from community housing for disadvantaged families to implement graywater, from businesses and individual homeowners. The systems that they implemented were simple and inexpensive. They might cost the homeowner two hundred dollars and plumbing would be an additional cost. She said she thought this was why this ordinance was important. That part of the plumbing was taken care of when the house was built so it was not a cost to the homeowner and it was very simple for them to install. Right now most homeowners could only implement graywater systems for laundry machines, if they were on an external wall, because that would be affordable. If any of the bathrooms were located internally inside the house, it would be very difficult if not impossible to plumb those to use that graywater. If that could be done right when the house was built, that was ideal.

Ms. Shipek reiterated what Mr. MacAdam said, that it was definitely not needed to use storage tanks and pumps to implement these systems, and could all be done above ground. That was a recommendation for working with the builders in the future. It could all be plumbed above grade so that those expensive parts were not needed.

Emily Brott said she represented the Sonoran Institute which was a non profit conservation organization. It had been working in Tucson for over fifteen years on land and water conservation issues.

Ms. Brott thanked Council Member Glassman for bringing this ordinance forward. The Institute was very excited about it and strongly supported it. Their goal in the Santa Cruz River Valley was to augment local ground water tables and they did this by working with groups like Watershed Management Group on water harvesting systems. They also worked in rural areas on water harvesting and on on-the-ground restoration projects. Their riparian or river areas in the southwest currently comprised two percent of the landmass but they were very important for supporting the majority of the wildlife,

and those areas needed to be protected. Pima County had already recognized the importance of those riparian areas in their Sonoran Desert Conservation Plan. Thus the Santa Cruz River was critical to the ecological integrity of southeast Arizona and northwest Sonora.

Ms. Brott said that in spite of the importance of these water resources, forty-five percent of municipal water was used on outdoor irrigation. She said there was concern with that figure. In addition, in the survey that was mentioned earlier, Tucson was ranked forty-seventh out of fifty large cities in the national survey in terms of the sustainability of their water supply. All these things were of great concern to the Sonoran Institute and to the community at large. This ordinance would help them address these problems by tapping into a currently untapped source of water. By tapping into this, the municipal residents would no longer need to use precious groundwater resources as well as the Colorado River Central Arizona Project or CAP water. The CAP would be much better used by banking extra water and recharging aquifers instead of using it on outdoor plants. In addition, since there was currently a drought and climate change was coming, greater flexibility with water resources, the CAP and groundwater would be better.

Ms. Brott said one of the best things about this ordinance was that it brought water conservation down to the household individual level so people would become familiar with their water use and they could become active in other conservation measures. Also, if passed, it could be used as an example in other states and cities. She wanted to commend Mayor and Council for their work. She said she definitely thought educating the users would ensure they would know the appropriate ways to use this source. It was a phenomenal step forward.

Stan Adams stated he was Chairman of the Mechanical Code Committee. He said the ordinance sounded very politically correct and asked who did not want to save water. He agreed with this initiative. He said he thought there were serious ramifications that Mayor and Council would have to consider if this ordinance went into effect. One of the issues was, that the water closet would have to be separated from the rest of the plumbing. He said he thought the possibility that there would be water going down the plumbing that did not get very far would dry out and plug up the drain. In a subdivision where all the houses were plumbed that way, whether only one out of a hundred actually used the graywater system, the other ninety nine would be sitting there with a plumbing system that was prone to plugging up. If he had that situation and there were several homeowners who had the same problem and they came forward, the Homeowners Association (HOA) would figure out exactly what the issue was. The particular homeowner did not have a lot of incentive at this point to put that graywater system in figuring on that thirteen thousand gallons a year and considering it took over a million gallons a day to water a golf course. If those numbers were put in perspective, not a whole lot was being done with the graywater system when in fact the graywater could go down, be recycled, and be part of that million gallons a day used to water the golf courses in Arizona.

Mr. Adams spoke about the mandatory diverter. The homeowner was expected to be able to go outside and divert the water from the graywater system into the black water system in case he had something in his washing machine that he did not think should go down the drain. There were some serious ramifications. He said he was a professional engineer and had been designing plumbing systems for over thirty years. He did not know what the other people had said in terms of how much experience they have had designing plumbing systems. To make a hundred people pay five hundred or three hundred fifty dollars so that one person could maybe make a little easier transition into a graywater system did not seem equitable. He said he thought it would obviously hurt the Tucson community in terms of building. It would be a lot cheaper for someone to move into a subdivision and pay two hundred dollars into a pool to use the graywater system if they liked to. He said he thought Mayor and Council should take this into serious consideration and step back and think about the ramifications here. The committee came to them out of the clear blue. Out of the seven Mechanical Code Committee members, six of the members felt strongly enough that they actually wrote a letter to the Mayor and Council telling them that they really had to reconsider this issue and to rethink it before putting it in. He said more study needed to be involved. Everyone wanted to save money. He said he thought this was a very dangerous undertaking if it was approved and there would be legal ramifications that might be encountered later. He urged Mayor and Council to stop and hold back. He said he thought this deserved more study.

Julie Zapolski said that historically, reusing water that came from the washing machine or sink had not had any adverse effect on the overall population by the over population of our species. Grandparents had used it and there had not seemed to be any problem whatsoever. Secondly, with the issues addressed, it was interesting that the plumbers had seemed to realize that there was not a problem separating the two systems. The black water went into the sewer and the water from the washing machine or bathing water went outside to water trees. One thing that had not been addressed in the whole issue of graywater use was whether it was to be used for watering landscapes or gardens. That would reduce the heat effect by naturally providing water for trees and shrubs and would mitigate the overall heat island effect due to the pavement and houses.

Ms. Zapolski said as a side note, it was interesting that the greening of the heat island emphasis on using graywater was recently mentioned by one of the newscasters recently who also spoke about the decoration of parking lots. She asked why people were decorating parking spaces. The bottom line was there was supposed to be a tree there and not a parking place for a car.

Ms. Zapolski said she would put a lot of emphasis on using whatever water the community had to green up the City and the wastefulness of golf courses in Arizona was not a means to negate the value of graywater use on native vegetation.

Nick Nieto thanked Council Member Glassman for picking a committee back in December 2007. The committee sat and went over every issue that came up today and a hundred more. He said his family had been in business since 1963 as plumbing and air conditioning contractors. Mr. Nieto said in listening to everybody, there were some great points raised. He said he wanted to go over the points where people were not agreeing

with the proposal such as cost, which could vary on these homes from one hundred fifty dollars and up. Ideas, sawing tanks, and pumps were mentioned but the conclusion at the end was that the greatest implementation of this graywater system was the stub out from the washing machine. That was really affordable, and would not take too much water from the plumbing system as far as washing solids down. There were all sorts of calculations that were done over the last eight to nine months. He said he supported and believed in it and thought that Tucson had the responsibility to be the leaders in this.

Mr. Nieto said he received information from as far away as Australia and all around the world supporting what was trying to be done in Tucson. He said it was time the community needed to step up and conserve by starting with graywater and this little system which was available to be implemented.

It was moved by Council Member Glassman, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10579 by number and title only.

Ordinance No. 10579 relating to Buildings, Electricity, Plumbing and Mechanical Code; creating the “Residential Graywater Ordinance” requiring installation of graywater “stub-outs” in residential construction; requiring that graywater systems comply with applicable regulations; amending Tucson Code Chapter 6, Article III Division I by amending Section 6-38 and adding Section 2602.1.2, “Graywater Stub-outs”, as a local amendment to the International Residential Code; and declaring an emergency.

It was moved by Council Member Glassman, duly seconded, to pass and adopt Ordinance 10579.

Mayor Walkup asked if there was any discussion.

Council Member Scott asked if it was a voluntary or mandatory thing to give out the brochure from the Arizona Department of Environmental Quality (ADEQ) to people who started with a brand new graywater system so that they could have full education as to how this could be best used.

Ernie Duarte, Development Services Department Director, said that in the Communication, there was a section that talked about other considerations. The Stakeholder Advisory Group emphasized the need for education so that people could make sound choices if and when they chose to implement a graywater system. The proposal in front of Mayor and Council this evening was not to mandate graywater systems per se, but to install pipes to make it easy for someone to do after the fact. The Stakeholder Advisory Group suggested inserts in Tucson Water bills, brochures, information and ADEQ brochures to be distributed to the real estate community and the homebuilding industry. It was houses that had been sold that had these systems in place where the buyer was educated on what was there and how it could best be used.

Council Member Scott said the brochure stated that one did not have to apply to receive a formal permit for permission to use graywater but had to abide by the thirteen best management practices listed in the brochure. She said she guessed it was recommended that people receive this if they were going to have a graywater system. There was an interesting part of the brochure that was so important for people to know. She read "First and foremost, avoid human contact with graywater or soil irrigated with graywater." This was important so that people understood what they were dealing with in regard to what ADEQ could possibly have to say about it. The brochure stated that one should use only flood or drip irrigation, and that, according to them, graywater should not be sprayed. It also stated that when determining the location for one's graywater irrigation, it should be remembered it could not be in a wash or drainage way. Council Member Scott said these were not insignificant issues in the community, pipes had to be labeled, covered and sealed and storage tanks secured. The brochure contained information that graywater could not contain hazardous chemicals such as anti-freeze, mothballs and solvents. Wash water from greasy or oily rags in the graywater could not be included. Graywater from washing diapers or other infectious garments must be discharged to a residential sewer or other wastewater facility unless it could be disinfected prior to its use. Graywater may contain fats, oils, grease, hair, lint, soaps, cleansers, fabric softeners and other chemicals. Graywater could also contain elevated levels of chloride, sodium borate and sulfates and have a high pH and may be harmful to some plants. Council Member Scott said this was just a portion of what was in the ADEQ pamphlet regarding the use of graywater and what it could and should be used for properly. She said she hoped that when installation was requested, this information was offered to each and every customer. There would be serious repercussions if people were not aware of what went on.

Council Member Leal thanked Council Member Glassman for bringing this issue forward. He said this was not a black and white issue. He said he thought that as a community moving forward, this would all be sorted out. A lot of folks had neighbors who educated other neighbors and family members and sensibilities would become second nature over time, and be referred to as an ethic. Everyone would eventually 'get' it. For years, he had used his water in his garden and learned a long time ago that some soaps had a lot of boron and salt and were not good for plants. Then he found the soaps that did not have any boron or sodium and the plants were happier. He said it all got sorted out and everyone would be the better for it.

Council Member Trasoff said Council Member Scott's points were well taken. Everyone needed to learn a lot more. She said she wished this issue had been around when she put her laundry room addition in because it was currently cost prohibitive for her to use that water and her trees and vegetation could easily benefit from this. Council Member Trasoff said even when using the new detergents that were better for the environment, she felt terrible every time that water went down the drain. She said one did what one could. It was an important first step that Council Member Glassman was leading everyone on and she appreciated it. It would make it easier for other people. As Council Member Leal mentioned, the ethic and awareness was changing in the community. More and more of the community wanted to do this and this would just make it that much easier to do so.

Vice Mayor Uhlich said she was pleased with this proposal and planned to support it wholeheartedly. She said one thing that was so heartening about the progress in the Tucson community and even at the Mayor and Council table was their growing understanding of water resources and the need to manage these as well as differentiate and understand that the City's water systems were integrated. She said the City's potable water was its most precious resource. As someone noted, forty-five percent of the potable water being delivered was being used for irrigation and only five, at the most ten percent, was being used for drinking and cooking.

Vice Mayor Uhlich said the community needed to do better and this was an opportunity to take a step in that direction. She also noted and wanted to make sure everyone was aware that the City and County and other regional partners were engaged for the first time in Tucson's history in planning its water and wastewater resources together through a citizens' committee called the City/County Water and Wastewater Study Oversight Committee. She said she thought great strides were being made to share a more secure water future and a more sustainable one and applauded Council Member Glassman, all of the people at the meeting this evening, and all the people who helped to shape this proposal.

Mayor Walkup commented that everybody on the Council was very sincerely interested in the environment and certainly in protecting Tucson's water. He told the public it could be proud of the City and the County for all the measures they had taken. Mayor Walkup said he thought this was yet another outstanding example of the community worrying about its future. There were many communities that would die to have the kind of resources that Tucson had and the things that the City had done to protect water for the future such as how its CAP allocation was being used, what was being done on reclaimed water and second pipe systems.

Mayor Walkup said that what the public had done on a voluntary conservation program to date had been extraordinary. This was just one more thing that gave them an opportunity to use water in irrigation. Irrigation was a big consumer of potable water which was currently in force. He congratulated everyone including the Council for their great support, their conservation efforts and how Tucson used all its valuable resources.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Ordinance 10579 was declared passed and adopted by a roll call vote of 7 to 0.

Council Member Glassman thanked the speakers who had come to this meeting to promote sustainability in the community. He noted that this ordinance had been in the making for quite some time and he thanked City staff including Chris Avery, Tucson Water Deputy Director, Ernie Duarte, Development Services Department Director, and his aide Katie Bolger from the Ward 2 office, and all the rest of the City staff who helped in bringing this forward.

Council Member Glassman said last December 2007, the entire Council worked together and unanimously moved forward by creating a stakeholder group that was working on two issues: plumbing for all new residential construction and just as importantly, an ordinance that would come before Mayor and Council on October 14, 2008, to require rainwater harvesting on all new commercial construction.

He thanked the following stakeholders involved: Technicians for Sustainability, the Southern Arizona Homebuilders, the American Institute of Architects, the Tucson Audubon Society, the Sierra Club Rincon Group, Triumph Builders, Rainwater Harvesting for Dry Lands and Brad Lancaster, Larsen Baker commercial developers, Habitat for Humanity, the Tucson Association of Realtors, the Sonoran Institute, Plumbing, Heating and Cooling Contractors Association, the Arizona Builders Alliance and the Plumbers and Pipefitters Union Local No. 469. Council Member Glassman said he wanted to read off these names because this was a stakeholder group that was truly reflective of the entire community. There were three Council Members elected: Council Member Romero, Council Member Scott and himself under a slogan of providing everyone with an equal seat at the table. He said he truly believed that this Ordinance demonstrated that commitment. He thanked all his colleagues and the only thing he wanted to ask of the speakers and stakeholder members was to continue working together. He said he knew that the technical group for the rainwater harvesting was meeting twice a week between September 23, 2008, and October 14, 2008, at the Ward 2 office to work on this issue. He hoped everyone would come back and demonstrate their commitment to sustainability in Tucson by speaking again on October 14, 2008, in support of their work toward water sustainability.

Council Member Scott said she did not want to let this moment go by without recalling back in the late 1990's when Civano was declared the first solar village ever put together on the planet on a scale not seen before in the Tucson community. The solar village called Civano had been doing this for years. They served as the guinea pigs, so to speak, for those systems that did work and lessons learned had been brought in to this community. She said she could not help but say it was her pleasure to represent Civano and the great group there.

10. DEVELOPMENT AGREEMENT: WITH THE FLATS AT JULIAN DREW BLOCK, LLC (CONTINUED FROM THE MEETING OF SEPTEMBER 16, 2008)

(NOTE: Council Member Leal departed the meeting at 7:15 p.m.)

Mayor Walkup announced City Manager's communication number 528, dated September 23, 2008, was received into and made a part of the record. He asked the City Clerk to read the Resolution by number and title only.

Resolution No. 21087 relating to Development; approving and authorizing the Development Agreement with the City of Tucson and The Flats at Julian Drew Block, LLC, an Arizona Limited Partnership; and declaring an emergency.

Council Member Trasoff said she was delighted to bring this item back for consideration. She said the project originator, Ross Rulney, was at this evening's meeting. This was a proposal to convert a building that was now an apartment building into fifty-three workforce rate condominiums. It was a niche that really needed filling in the downtown area. The price ranges would be somewhere in the neighborhood of a hundred to a hundred forty thousand which meant teachers, police officers, office workers and firefighters who wanted to live downtown were going to be able to have a really nice place where they could afford to live. Mr. Rulney purchased the property with private funds and without any City subsidy. She said she thought it was a good example of Rio Nuevo funds at work in an appropriate way, and doing what they were supposed to do which was to create an environment in downtown Tucson that made it attractive for private developers to come in and invest their money. Council Member Trasoff said she thought the gravy in the whole project was the fact that it was workforce housing. She said the additional gravy was that there was money that would go per unit upon obtaining a certificate of occupancy. As was read into the record at today's Study Session, it had originally been one hundred dollars per condo as a conversion fee that was going to the Affordable Housing Trust Fund. Mr. Rulney was upping that to one hundred seventy-five dollars per unit and upon attainment of the certificate of occupancy would go into the Affordable Housing Trust Fund which, according to her math, would be nine thousand two hundred seventy-five dollars. This was another step in helping build that pool of money which was needed for the community.

It was moved by Council Member Trasoff duly seconded, to pass and adopt Resolution 21087.

Mayor Walkup asked if there was any discussion

Michael Rankin, City Attorney, said for the record there were amendments as mentioned at today's Study Session. Paragraph 4.7 was removed and Paragraph 1.6 was amended to reflect one hundred seventy-five instead of one hundred dollars.

Vice Mayor Uhlich said she was pleased to vote in support of the development agreement before Mayor and Council and appreciated the efforts of Mr. Rulney and

others to bring it to Mayor and Council. She said she wanted to touch on a shared desire to make sure that as private investment came into areas like this, that the City had processes that really facilitated that, and provided investors with clarity and consistency.

Vice Mayor Uhlich said a bump in the road had been hit last week and thought it was a result of some of Mayor and Council's processes but that they had learned from that. She said she thought Mr. Rulney and others who hoped to partner with the City in the downtown should know that as well. Part of the challenge for Mayor and Council in reviewing development agreements was the nature of the agreement. As some public investment and/or accommodation was being offered the result was therefore some negotiation and give and take between the development and the City.

Vice Mayor Uhlich said she thought that, as was raised during today's Study Session regarding community facilities districts, it probably would be great for the development community to better understand how the City hoped to make sure there was a return on the public's investment. In this case, as Council Member Trasoff rightly noted, this was creating some affordable housing and contributing to the Housing Trust Fund as well as helping to address one of the General Plan goals that the community held. Vice Mayor Uhlich said she wanted, in a future conversation, to really encourage the City to organize its development agreements. This could be achieved in a way that made it much more clear how the priorities of this Mayor and Council and more importantly, the voter approved priorities in the General Plan were being addressed in a development agreement regardless if it was affordability, sustainability, and some of those core principals and goals that were addressed. She said they were seeing that in their development agreements but sometimes it was not as clear as it could be and it caused some bumps in the road that should not be experienced in the future. She thanked Mayor Walkup for the opportunity to comment and said she would be pleased to support the development.

Council Member Scott said Mayor and Council had decided to delay this matter until this evening to pass it and inquired what work had been done from the last time to this time that made this change. She was unclear because initially this matter was ready to go forward and there was some discussion about delaying it. She asked what it was exactly that was accomplished. Council Member Scott asked if there was more public input helping Mayor and Council with policy, or more additional language which needed to be inserted so that the affordable housing could contribute to additional affordable housing. In this project, there was affordable housing as well as money being contributed toward the Affordable Housing Trust. She asked if that was the language that was needed because she wanted to be sure.

Council Member Trasoff noted that Vice Mayor Uhlich said more eloquently what had happened last week was a bump in the road where there had been misunderstandings about what the development was, as well as, how much of a public contribution there was to this. This was really minimal and just part of the standard infrastructure that was being done to create a climate downtown where people wanted to come.

Council Member Trasoff said she could not speak for her colleagues, but believed it was her understanding that several people needed to step back and look at the process. She appreciated the time to talk to Mr. Rulney to clarify a few things as well as his generosity in wanting to continue to be part of and make an additional contribution to the downtown area.

Council Member Romero said she wanted to include the same thoughts that Council Member Trasoff and Vice Mayor Uhlich had. She said she thought Mr. Rulney was a victim of an incomplete process and a bump had been hit. She said she thought in terms of talking about housing affordability, Julian Drew had been there for such a long time and had affordable rental and Section 8 housing that everyone thought was being lost in the community. She was grateful that a developer like Mr. Rulney was taking and fixing it up and providing affordable home ownership. She wanted to include and make clear that she appreciated Mr. Rulney's graciousness and willingness to work with the City even though it asked him for one more week. She said it was always good to echo what Vice Mayor Uhlich said and to have standard guiding principles in terms of the City's development agreements so that when developers did come to Mayor and Council, they were not slapped with surprise.

Council Member Romero said the City had something the developer could expect to hear and that its offices could negotiate very clearly and at least talk about several issues in terms of its General Plan and what Mayor and Council's policy was in terms of the future of development not only with downtown but the rest of the City. She said she had to repeat that Mr. Rulney was a victim of a last minute bump in the road and that Mayor and Council did appreciate that he was bringing more affordable housing into the downtown area. She said she looked forward to continuing the conversation in terms of a guiding principle that would have some uniformity to the process so that developers would not be slapped with surprises at the last minute. She said she appreciated Mr. Rulney working with Mayor and Council and she looked forward to more. She said people had wondered why this was delayed for a week if Mayor and Council were in a hurry to reinvest and do infill projects downtown and added that a week would not kill anyone. She said when they were putting together their ideals and guiding principles in reinvesting in Tucson's downtown, they needed to do it right so that later on, some thirty years now, they were credited with doing it right and with thinking about sustainability and affordability. Council Member Romero said she would wholeheartedly vote to approve this project.

Vice Mayor Uhlich elaborated briefly in terms of process. There were two points that were challenging to discern in the materials received by Mayor and Council on September 19, 2008. One was the extent to which there was public benefit or investment in this development. It turned out that the primary mechanism was the acceleration of some streetscape improvements. There was initial confusion because this was previously a Business Development Finance Corporation (BDFC) property and there was no information readily available on whether it was purchased at appraised value. She said she had needed to better understand the extent to which the public had invested or offered

accommodation to the project. That was what triggered a development agreement and she said she thought part of the role of Mayor and Council was to ensure it was a true partnership when the public brought something to the table and that there was a fair return on the investment made by the public. It was a matter of getting more information on that.

Vice Mayor Uhlich said that she thought the General Plan and the stated goals of Mayor and Council could help guide them. It was not to say that every development would have some cookie cutter element on affordability or sustainability. It was simply to say that Mayor and Council needed to know what elements were in each development agreement in return for specific investment offered.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Absent/Excused: Council Member Leal

Resolution 21087 was declared passed and adopted by a roll call vote of 6 to 0.

Council Member Scott said she looked forward to getting that information that apparently was handed around to others concerning the BDFC. She said she thought there was simply an issue about policy and affordability. She said she would hope that would be distributed so the rest of the Mayor and Council could have that.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 499, dated September 23, 2008, was received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to approve the appointment of Locanda De Souza to the Resource Planning Advisory Committee.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member Glassman appointed Dr. Eileen R. Warshaw to serve as the Ward 2 appointment to the Tucson-Pima County Historical Commission.

12. ADJOURNMENT: 7:31 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on October 7, 2008 at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 23rd day of September 2008, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:tl:cs